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November 5, 2024

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VIA ECF

MEMORANDUM ENDORSED

Honorable Gabriel W. Gorenstein
Thurgood Marshall
United States Courthouse
40 Foley Square
New York, New York 10007

Re: *Derick Williams v. Breaking Ground Housing Development Fund Corporation, et al.*
Civil Action No.: 1:22-cv-8715(AS)

Dear Judge Gorenstein:

Counsel for Defendants writes this letter in response to Hon. Judge Gorenstein's order at Docket No. 85. The "last" pleading to a complaint under the Federal Rules of Civil procedure is an answer. See Fed. R. Civ. P. 12(a)(1). Thus, as of October 25, 2024 the 14-day period to demand a jury trial had not begun. Defendants accept that because of the delay in filing their Answer, Plaintiff's demand for a jury trial is timely. According to the Court's reasoning, the 14-day period begins to run after service of the last pleading directed to the issue raised in Plaintiff's initial complaint and subsequent amended complaints. Defendants filed and served their answer on October 28, 2024. Defendants are cognizant Plaintiff's pro se status as well as the Court's discretion to order a jury trial under Fed. R. Civ. P. 39.

Sincerely,

KAUFMAN BORGEEST & RYAN LLP,

A blue ink signature of William Doheny, written in a cursive style.

William Doheny

In light of the concession as to timeliness made in this letter, the defendants' motion to strike the jury demand (Docket # 77) is denied. Plaintiff's "motions" in opposition (Docket # 81 and 82) are deemed withdrawn as moot.

cc: Derick L. Williams
2438 Morris Ave. Apt. 4E
Bronx, NY 10468

So Ordered.

A black ink signature of Gabriel W. Gorenstein, written in a cursive style.

GABRIEL W. GORENSTEIN
United States Magistrate Judge

November 8, 2024